

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 5th day of November, 2007 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight, Mayor
Jay Attaway, Mayor Pro Tempore
Vickie Abrego, Council Member
Karen Mayer, Council Member

ABSENT: Frank Hametner, Council Member

ADMINISTRATIVE
PERSONNEL PRESENT: Tom Ginter, City Manager
Allen Lawrence, City Attorney
Ada Owens, City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT: Sandy Roddel, Finance Director
Don Brummett, Acting Public Works Director
Darrell Jones, Police Chief
Gilbert Ritz, Fire Chief

OTHERS PRESENT: Ralph & Lu Arcemont, Rosemary Vega, Margaret Garrett, Jeanie Brummett, Jim Garner, Paul Froeschner, Robert Weber, Earl Buckmaster, Patty Gilden, Rosemary Upton, Billy Ellis, Colleen Abshire, Jim & Alpha Covington, Eva Young, Belinda Ritz, C. Bankes, Virginia Tracery

There may have been others present who did not sign in.

ITEM 1. CALL MEETING TO ORDER.

Mayor Knight called the meeting to order at 7:00 p.m. on November 5, 2007.

ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Council Member Abrego gave the invocation. Mayor Knight led the pledge of allegiance to the United States flag.

ITEM 3. CONSENT AGENDA: *“All of the following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.”*

A. Approval of Minutes of October 15, 2007.

Council Member Mayer made the motion to approve the Consent Agenda. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 4. AN ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF ARANSAS PASS, TEXAS COMBINATION TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2007A”; PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND FURTHER SECURING SAID CERTIFICATES BY A LIEN ON AND PLEDGE OF THE PLEDGED REVENUES OF THE SYSTEM; PROVIDING THE TERMS AND CONDITIONS OF SAID CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SAID CERTIFICATES; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE AND INVESTMENT LETTER; COMPLYING WITH THE REQUIREMENTS OF THE LETTER OF REPRESENTATIONS WITH THE DEPOSITORY TRUST COMPANY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Ryan Cunningham with Southwest Securities stated this was the final step in the financing the \$4M for the Certificates of Obligations for the Civic Center which would be paid from the Aransas Pass Municipal Development District's (APMDD) collection of ½ cent sales tax as per the APMDD's agreement with the City. He stated the winning bid was the interest rate of 3.92% presented by JP Morgan.

Mayor Pro Tempore Attaway made the motion to approve Ordinance No. 2007-3928 authorizing the issuance of "City of Aransas Pass, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2007A"; providing for the payment of said certificates by the levy of an Ad Valorem Tax upon all taxable property within the city and further securing said certificates by a lien on and pledge of the pledged revenues of the system; providing the terms and conditions of said certificates and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of said certificates; authorizing the execution of a paying agent/registrar agreement and a purchase and investment letter; complying with the requirements of the letter of representations with the depository trust company; and providing an effective date. Council Member Mayer seconded the motion and the motion carried with Mayor Knight, Mayor Pro Tempore Attaway, Council Member Abrego and Council Member Mayer voting yes. Council Member Hametner was absent.

ITEM 5. **CONSIDER AND ACT ON APPOINTING MEMBERS TO THE PLANNING AND ZONING COMMISSION.**

After discussion, Council Member Mayer made the motion to appoint Mr. Jim Garner to the Planning and Zoning Commission replacing Ms. Virginia Bufkin. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 6. **PRESENTATION AND DISCUSSION OF HARBOR CHARRETTE SUMMARY REPORT.**

The City Manager distributed the Harbor Charrette Summary to the Council and audience. He stated copies would be placed in the City's Public Library, the City Hall lobby, the Chamber of Commerce, and on the City's website.

The City Manager discussed the different sections of the summary:

1. Introduction - describing the process of the charrette.
2. Goals - to maintain public access to the Harbor, develop productive uses of the land, respect and nurture the heritage of Aransas Pass, protect and enhance the environment, promote destination tourism, attract employment opportunities to the community, create a positive community image, minimize conflict between truck traffic and other vehicles, and create strong connections between the Harbor and the Central Business District.
3. Suggested Land Uses - marina, dry stack storage, shrimping docks and facilities, park, greenways, high-rise condos or apartments, boat maintenance facilities, fish/seafood markets, yacht club building, restaurants, retail space, RV park, dock-o-miniums, fishing/shrimping museum, commercial docks, pedestrian access, golf course, mixed use development, hotel/motels, single family residential, and single family water access residential. He also discussed the section that pertained to addressing positive responses, responses with reservations and negative responses on each use.
4. Issues and Need for Further Public Input - including the Seaman's Memorial, public access, maintenance of the shrimping industry, maintaining the seawall, preserving wetlands, connection to the community, and community character.
5. Moving forward - maintaining a public dialogue.

The City Manager encouraged the public to continue to give their input on the Harbor to him. He stated there should be a more detailed report and map available at the end of November or December.

ITEM 7. **PUBLIC HEARING ON THE REQUEST OF BRENT AND GINGER STROTHER TO REZONE LOTS 1 AND 2, BLOCK 445, 339 AND 345 W. GOODNIGHT, FROM R7A (RESIDENTIAL) TO CA (CENTRAL AREA).**

City Attorney Allen Lawrence declared the Public Hearing open at 7:17p.m. on the request of Brent and Ginger Strother to rezone Lots 1 and 2, Block 445, 339 and 345 W. Goodnight, from R7A (Residential) to CA (Central Area). He stated all proper notices had been given and the request had gone before the Planning and Zoning Commission and been approved.

The City Attorney asked if there was anyone present to speak for or against the request.

Ms. Ginger Strother stated there were presently two houses on the property and she wanted to renovate and convert the two-story house into a boutique that she would operate, and the other house into a professional office that would be rented out.

Council Member Mayer asked were the buildings livable?

Ms. Strother stated the buildings were not livable but were being rented out now (by the present owner). She stated she would put \$30,000 into one building for renovations and \$10,000 to \$20,000 into the other building. She stated her contract for purchasing the property was contingent upon the rezone.

Council Member Abrego asked what about the parking?

Ms. Strother stated she would take some of the grass out (of the yard) for larger parking areas.

The City Attorney asked if there was anyone else to speak for or against the rezoning request. Seeing no one, the City Attorney closed the Public Hearing at 7:22 p.m.

ITEM 8. **CONSIDER AND ACT ON THE REQUEST OF BRENT AND GINGER STROTHER TO REZONE LOTS 1 AND 2, BLOCK 445, 339 AND 345 W. GOODNIGHT, FROM R7A (RESIDENTIAL) TO CA (CENTRAL AREA).**

Mayor Pro Tempore Attaway made the motion to approve the request of Brent and Ginger Strother to rezone Lots 1 and 2, Block 445, 339 and 345 W. Goodnight, from R7A (Residential) to CA (Central Area). Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 9. **CONSIDER AND ACT ON INCREASING SOLID WASTE RATES.**

The City Manager stated BFI (Allied Waste) had increased the rates of providing solid waste services to the City. He stated the increase included a 3.4% CPI (Consumer Price Index) in addition to a pass-through increase in disposal fees. He stated the cost per customer was \$1.31, \$0.51 for CPI and \$0.80 for disposal. He stated for dumpster service the increase ranged from 13% to 27% depending on the size of the dumpster, number of dumpsters and frequency of service. He stated the new rates would be effective December 1, 2007 and the City was paying BFI for the increase now.

After discussion, Mayor Pro Tempore Attaway made the motion to approve increasing solid waste rates. Council Member Mayer seconded the motion and the motion carried unanimously.

ITEM 10. **CONSIDER AND ACT ON APPROVING RESOLUTION 2007-593 APPROVING AN AGREEMENT BETWEEN THE CITY OF ARANSAS PASS AND THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE HARRISON BOULEVARD PALM PROJECT.**

The City Manager stated TXDOT required that this resolution be passed in regard to the City's agreement with TXDOT for the Harrison Palm Project.

Council Member Mayer made the motion to approve Resolution 2007-593 approving an agreement between the City of Aransas Pass and the Texas Department of Transportation (TXDOT) for the Harrison Boulevard Palm Project.. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 11. **CONSIDER AND ACT ON APPROVAL OF AN AMENDMENT TO THE PROPERTY DISPOSITION AGREEMENT RELATED TO HOUSE BILL 1740 AND AUTHORIZE THE MAYOR TO SIGN ANY AND ALL DOCUMENTS NECESSARY FOR CLOSING THE ARANSAS PASS/GENERAL LAND OFFICE PROPERTY TRANSACTIONS.**

City Attorney Allen Lawrence stated the GLO contract required a one year remediation period and the amendment would extend that period to three years. He stated the City was required to post a Performance Bond applicable to that three year period but had been given the option of obtaining a Letter of Credit in place of a Performance Bond. He stated the Mayor would be given the authority to sign the necessary paperwork to close the deal on November 20 (2007) which was the target date.

Mayor Pro Tempore Attaway made the motion to approve an amendment to the Property Disposition Agreement related to House Bill 1740 and authorize the Mayor to sign any and all documents necessary for closing the Aransas Pass/General Land Office property transactions. Council Member Mayer seconded the motion and the motion carried unanimously.

ITEM 12. **DISCUSSION REGARDING THE REQUESTS FOR PROPOSAL FOR A MARINA IN CONN BROWN HARBOR.**

The City Manager stated before he brought a Request for Proposal (RFP) before Council for approval, he thought it would be best if he got an opinion from the Council on the details, such as how many and what type of docks, dry stack storage space, a transit dock, boater's facility, administrative offices/Harbormaster, fuel facility, boating

associated office, boat haul-out and maintenance yard, cable/internet, exact location, commercial store, and yacht club.

Mr. Jim Urban with Urban Engineering presented an outline for a RFP to the Council. He stated the more data furnished on the requirements or suggestions from the Council in the RFP, the better idea that a company submitting the RFP would have to include what the Council wants to see in the marina. He posed questions on boat slips, location, utilities, electricity, docks, parking, public spaces, landscaping, and selling or renting dock space.

After discussion, a workshop regarding a marina for the Harbor was scheduled for November 14, 2007 at 6:00 p.m.

ITEM 13. DISCUSSION REGARDING FORMING A PARK COMMITTEE.

The City Manager stated it would help staff if they knew the main priorities for the City's parks. He stated two options for forming a Park Committee would be three Council Members to review issues that pertain to the parks and make recommendations to the City Council or combining Council Members with citizens who would make recommendations to the City Council. He stated the first item of discussion would be reviewing the Park Master Plan that was written in 1999.

Council Member Mayer stated it would be great to have citizens on a Park Committee. She stated there was a City ordinance for a Parks and Recreation Board and there had been a Park Committee in the past.

The City Manager stated he had not seen any documentation on the Parks Committee, maybe it should be revived (instead of formed).

Mayor Knight suggested placing this item on the next agenda and in the meantime the Council Members could discuss a Park Committee with the City Manager.

The Council discussed the number of members on a committee, the Ordinance requirements, and a Park and Recreation Director.

ITEM 14. REPORTS FROM CITY MANAGER AND STAFF AND PUBLIC COMMENTS:

At this time the Mayor, City Council, Staff and Public comments may be given. Reports or updates on any assignments which include but are not limited to grants, building and development, budgets, financial reports and any other projects may be given. No formal action can be taken on any of these items at this time. Comments will be limited to 3 minutes each.

The City Manager stated he would see the Charrette Summaries were put out for the public.

ITEM 15. RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.

- A. Section 551.074 Deliberations Regarding Personnel-City Manager Evaluation.

The meeting was not recessed into Executive Session at the request of the City Manager.

ITEM 16. RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.

- A. Section 551.074 Deliberations Regarding Personnel-City Manager Evaluation.

Mayor Knight stated when the City Manager was hired his contract stated he would have an evaluation at three months and six months into his employment. He stated this would be the City Manager's three month evaluation.

The City Manager stated he would rather his evaluation be in open session.

Mayor Knight stated Mr. Ginter was the fourth City Manager he had worked with and, from the standpoint of dealing with the public and keeping the Council informed, he was the best he had worked with.

Council Member Mayer stated she agreed with Mayor Knight and had no negative comments.

Mayor Pro Tempore Attaway stated he had no negative comments and would reinforce Mayor Knight's comments regarding communication with the Council. He stated Mr. Ginter was doing an excellent job and he could not be more pleased with his performance.

Council Member Abrego stated the City Manager was doing a good job. She stated things had been pointed out to the City Manager that he was still working on. She stated she had heard City employees say that it was good to come to work and no one liked to work in an unfriendly atmosphere.

Council Member Mayer made the motion to adjourn the meeting. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

Tommy Knight, Mayor

Ada Owens, City Secretary